

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application. In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Claims 1-17 are now present in this application. Claims 1, 8 and 14 are independent. Claims 1 and 8 have been amended. No new matter has been added. Reconsideration of this application, as amended, is respectfully requested.

Allowable Subject Matter

The Examiner states that claims 14-17 are allowed. Applicants thank the Examiner for the early indication of allowable subject matter in this application.

Rejections under 35 U.S.C. §101

Claims 1-13 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-13 are rejected as not falling within one of the four statutory categories of invention. In detail, the Office Action indicates that a statutory process under 35 U.S.C. § 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing.

Independent claim 1 has been amended to recite, among other features, generating digital audio and video streams to be used in a test on a DTV receiver, the audio stream having a frame index inserted therein and the video stream having a Transient Effect Area Test Signal (TATS) inserted therein, and measuring a time difference d_t between the audio and video signals in the DTV receiver using the audio frame time t_a and the video field time t_v . Independent claim 8 has been amended to recite, among other features, generating digital audio and video streams to be used in a test on a DTV receiver, the audio and video streams each having a time index inserted therein, and measuring a time difference d_t between the audio and video signals in the DTV receiver using the audio frame time t_a and the video field time t_v .

Therefore, independent claims 1 and 8 have been amended to be tied to the DTV receiver, which is an apparatus. Because independent claims 1 and 8 recite a method tied to the DTV receiver, it is respectfully submitted that each of independent claims 1 and 8 recites a statutory process which is tied to another statutory category. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

Accordingly, amended independent claims 1 and 8, and each of the claims depending therefrom, are allowable. Further, as indicated in the Office Action, claims 14-17 are allowable. Therefore, it is respectfully submitted that this application is in condition for allowance.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

The Examiner is respectfully requested to enter this Amendment After Final, in that it raises no new issues but merely places the claims in a form more clearly patentable over the references of record. In the alternative, the Examiner is respectfully requested to enter this Amendment After Final in that it reduces the issues for appeal.

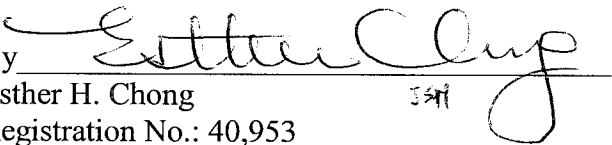
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Jun S. Ha, Registration No. 58,508, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: APR 28 2009

Respectfully submitted,

By 
Esther H. Chong
Registration No.: 40,953

Jun S. Ha
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorneys for Applicant